

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JIMMY GETTINGS,

Plaintiff(s),

v.

CEBU PACIFIC, et al.,

Defendant(s).

Case No. 2:15-CV-767 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 2). No objections have been filed, and the deadline for filing objections has now passed.

On April 24, 2015, *pro se* plaintiff Jimmy Gettings (“plaintiff”) filed a motion to proceed *in forma pauperis*. (Doc. # 1). Plaintiff attached a proposed complaint to his motion alleging fraud, consumer fraud, larceny/thief by deception, RICO violations, and conversion against defendants CEBU Pacific and Maganda Travel & Tours, Inc. (“defendants”). (Doc. # 1-2). Upon consideration of plaintiff’s motion, (doc. # 1), Judge Hoffman recommended that the motion be denied. In light of that recommendation, Judge Hoffman did not screen plaintiff’s complaint. (Doc. # 2).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

1 Where a party fails to object, however, the court is not required to conduct “any review at
 2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
 3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
 4 magistrate judge’s report and recommendation where no objections have been filed. *See United*
 5 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
 6 employed by the district court when reviewing a report and recommendation to which no
 7 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
 8 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are
 9 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
 10 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
 11 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
 12 magistrate judge’s recommendation to which no objection was filed).

13 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 14 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
 15 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
 16 magistrate judge’s findings in full.

17 The court will therefore deny plaintiff’s motion for leave to proceed *in forma pauperis*.
 18 Plaintiff must file the \$400.00 filing fee within thirty days from the date of this order. Failure to
 19 comply with this order may result in dismissal of the instant action.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
 22 recommendation of Magistrate Judge Hoffman, (doc. # 2), be, and the same hereby are,
 23 ADOPTED in their entirety.

24 IT IS FURTHER ORDERED that plaintiff’s motion for leave to proceed *in forma pauperis*,
 25 (doc. # 1), be, and the same hereby is, DENIED.


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1 IT IS FURTHER ORDERED that plaintiff shall pay the filing fee of \$400.00 within thirty
2 days from the date of this order.

3 DATED May 27, 2015.

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5 UNITED STATES DISTRICT JUDGE
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